

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**WILLIAM LEE GRANT, II,
Plaintiff,**

v.

**US DEPARTMENT OF DEFENSE,
Defendant.**

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Civil Case 3:18-CV-1478-D

ORDER

The United States Magistrate Judge made June 21, 2018 findings, conclusions, and a recommendation in this case. Plaintiff filed an objection on June 21, 2018, and the district judge has made a *de novo* review of those portions of the proposed findings and recommendation to which objection was made. The objection is overruled, and the court adopts the findings, conclusions, and recommendation of the United States Magistrate Judge.

It is therefore ordered that this action is dismissed with prejudice as frivolous. *See* 28 U.S.C. § 1915(e)(2)(B). In addition to the \$100.00 sanction imposed by Judge McBryde in Case No. 4:18-CV-471-A, because plaintiff persists in filing frivolous, vexatious actions that reassert claims previously addressed and rejected, he is barred from filing future actions *in forma pauperis* in the United States District Court for the Northern District of Texas without the prior approval of a district or magistrate judge of this court.


Plaintiff's July 1, 2018 motion to transfer under 28 U.S.C. § 1404(a) is denied. This case should be dismissed as frivolous, not transferred.

The court prospectively certifies that any appeal of this action would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24(a)(3). In support of this finding, the court adopts and incorporates by reference the magistrate judge's findings, conclusions, and

recommendation. *See Baugh v. Taylor*, 117 F.3d 197, 202 n.21 (5th Cir. 1997). Based on the findings, the court finds that any appeal of this action would present no legal point of arguable merit and would, therefore, be frivolous. *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983). In the event of an appeal, plaintiff may challenge this certification by filing a separate motion to proceed *in forma pauperis* on appeal with the Clerk of the Court, United States Court of Appeals for the Fifth Circuit. *See Baugh*, 117 F.3d at 202; Fed. R. App. P. 24(a)(5).

SO ORDERED.

July 26, 2018.


SIDNEY A. FITZWATER
UNITED STATES DISTRICT JUDGE